



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

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APPLICANT: Kim Marie Clark

ATTY DOC NO.: 7270-1

SERIAL NO.: 9/995,232

ART UNIT: 1724

FILING DATE: November 27, 2001

EXAMINER: Adolfo Nino

TITLE: "CORD COVER AND DEPLOYMENT MEMBER AND METHODS OF USE"

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The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.132

Kim Marie Clark, applicant herein, declares as follows:

1. I am the inventor of the above referenced patent application.
2. I am the owner and principal operator of Designer Cords, LLC, the exclusive licensee of rights in the above referenced patent application.
3. I am currently the president of Designer Cords and have held this position since approximately July, 2001.
4. Designer Cords is a start up company that sells only two products, namely the invention disclosed in the above referenced patent application (hereinafter "the claimed invention") and a chandelier cover having a different design. Both of these products are marketed and sold for use in the field of interior decoration. Designer Cords has two employees. As the president of a two employee company, I am heavily involved in the company's day-to-day operations concerning marketing and selling the claimed invention.
5. Based on the preceding information, I am competent to give information regarding market size, market share and units sold in the cord cover market.
6. During Designer Cords' first year of operation in 2002, Designer Cords sold approximately 2,500 units of the claimed invention. These sales were based exclusively on limited advertising that was carried out by Designer Cords in the Dallas, Texas area retail market, which represents only on a very small segment of the national retail market.
7. During January 1 to March 20, 2003, Designer Cords has sold approximately another 2,500 units of the claimed invention.

Kim M. Clark
SN 9/995,232

8. To date, the invention has been marketed only in Texas, in Louisiana, and in Atlanta, Georgia, yet sales continue to increase steadily. Although Designer Cords' marketing budget has been limited (approximately \$15,000 during 2002), interest in the invention was evident as soon as the product hit the market and has grown ever since. The commercial success of the claimed invention is due to the use of the deployment member (described as item # 1 in my patent application). Customers appreciate the fact that the deployment member allows them to easily deploy the enclosed cord cover along the length of an extension cord.

9. The commercial success of the claimed invention is also due to the fact that the deployment member is made of an inexpensive material (cardboard). Additionally, it is economical for Designer Cords to removably attach its cord covers to the exterior surface of the deployment member, provided that the cord is attached in the manner disclosed and claimed in my patent application. As discussed in my patent application, the disclosed method allows Designer Cords to achieve an increased ratio of cord cover length-to-deployment member length, i.e. more cord cover can be stored on a shorter deployment member, even when the seam of the cord cover is adjacent the outer surface of the deployment member. This property decreases the length (and thus cost) of the tubes, allows more length of cord cover to be shipped or stored in a given volume of space, and also provides a more attractive product configuration (the cord cover is not set loosely on the deployment member). The tubular deployment method also gives the fabric of the cord cover a distinguishable gathered appearance that is desired by the consumer, making it different in its appearance from the other covers on the market.

10. Customer appreciation of the benefits provided by the deployment member has been evidenced by repeat purchases by existing customers. Additionally, existing customers have referred new customers to Designer Cords. Thus, even with Designer Cord's limited advertising budget, the deployment member has enabled our product to prosper on the market.

11. Based on my knowledge of the cord cover market, the approximate total market size for the invention was approximately 2,500 devices per year in 2002, since there were no other products on the market that included a deployment member.

12. During a January 2003 trade show, Designer Cords became aware of copying. A&M Designs, Inc. of Cornelius, NC (www.cordcoverup.com) was selling a product that is identical to my claimed combination of a cord cover enveloping a tubular deployment member. (see Exhibit A). A&M has indicated that it will pull its products off of the market until it has had a chance to review my patent application, but the enclosed pages from A&M's website indicate that A&M is at least still demonstrating (if not selling) its copy of my invention on its web-site.

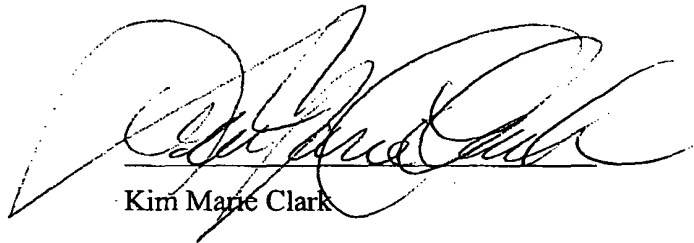
13. At the time that I invented the invention, I was unaware of any cord covers that were permanently enclosed along the side. As indicated in my patent application, I was aware that a number of removable cylindrically shaped covers had been used to cover a multitude of devices, including protective jackets for conductors, chandelier chains and the like. These applications disclose covers secured around an item by a fastening device such as a zipper, extruded fastener or hook-and-loop type fastening material. All of these examples are similar in that the secured cover can be removed by simply unfastening the fastening device. After filing my application

and after beginning efforts to market products manufactured according to my invention, I eventually learned that interior designers have in fact previously provided electrical cord covers consisting of a tube of fabric that is formed from a lengthwise piece of fabric, a pair of opposing lengthwise ends of the fabric being joined together by a seam of stitches in order to form a permanently enclosed tube. These prior art configurations demonstrate a long felt need to cover un-decorative cords with decorative covers, along with the failure of the prior art to provide a practical solution for covering electrical cords with a permanently enclosed decorative cloth cover. Prior to the invention, a tubular deployment method had never been introduced to the interior decorator market for cord covers.

14. With reference to claims 4, 9 and 15, the cord cover shown in the Zimmer reference does not disclose or suggest a seam of stitches formed along an inner surface of the cord cover because (1) such a configuration is unnecessary except in decorative applications, which is certainly not the case for the Zimmer's invention for installing a wiring harness behind the dashboard of an automobile; and (2) it is difficult to apply such a configuration to a deployment member, particularly when efforts are made to maximize the ratio of cord cover length-to-deployment member length in the manner described in my invention.

15. Prior to my conception of the claimed invention, I was aware that many efforts had been made to provide cord covers that opened along the side of the cover, i.e. were not permanently enclosed. In my view, this indicates that there was a long-felt but unsolved need for a cord cover that was permanently enclosed and that could be deployed from a deployment member.

16. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.



Kim Marie Clark

Date: 3-20-03